No. 80- 194

Supreme Court, U. S.
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IN THE

Supreme Court of the United States

October Term 1980

MARIA GRACIELA RAMIREZ,

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MARIA GRACIELA RAMIREZ
Petitioner, Pro se
1517 Garcia Street
Laredo, Texas 78040
(512) 723-6925

Questions Presented

I

Whether the courts of Texas (111th Judicial District Court for Webb County, Texas) have the right and power to "legalize" fraud and perjury—to deny due process to their chosen victims—to publicly and permanently impose severely damaging defamation on their victim—and to use inhuman and severe punishment to silence the cry for justice of a citizen who petitions for her Rights.

II

Whether the Assistant U. S. Attorney (Emilio Davila, Jr.) at Laredo, Texas, had the right, on his sole decision, to suppress the motion of petitioner submitted to the Federal Prosecutor and Federal Grand Jury, with date of September 4, 1979.

III

Whether The United States Court of Claims erred in denying the counter-motion of petitioner to present a Stipulation of Facts (Rule 134b) which would have presented a complete information of court records, and other pertinent facts leading to, and dealing with, the grave violations of the Constitutional Rights of petitioner.

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

Petitioner, Maria Graciela Ramirez, *Pro se,* prays that a writ of certiorari be issued to review a judgment of the United States Court of Claims entered on May 16, 1980, with Cause No. 8-80 C. The judgment of such United States Court of Claims refuses to accept jurisdiction upon violations of the U.S.A. Constitutional Rights within Texas courts.

Opinions Below

The opinion of the United States Court of Claims declares (1) that there does not exist a statute law related to the claims of petitioner, Maria Graciela Ramirez, and (2) that petitioner is out of jurisdiction of such Court of Claims—yet, the duties assigned to the United States Court of Claims clearly states that—"The United States Court of Claims has original jurisdiction to render judgment upon any claim against the United States founded upon the Constitution."[1]

Jurisdictional Statement

The judicial power of the United States Supreme Court extends to all cases arising under the Constitution. The United States Constitution contains two clauses—in the Fifth and Fourteenth Amendments—prohibiting the federal government *and the states from depriving any person of life, liberty, or property without due process of law.* The Fourteenth Amendment clearly indicates that *neither liberty nor justice can exist without due process.* The Supreme Court of the United States has held that virtually all of the Bill of Rights guarantees to be fundamental and hence absorbed by due process.

A Texas judge, not only deprived petitioner, Maria Graciela Ramirez, of her Constitutional Rights of due process, as her property was taken away from her—but the state presiding judge severely imposed inhuman punishment on petitioner, in an effort to silence her desperate cry for her right to due process of law.

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1. United States Government Manual, 1975-76, p. 70.

Due process of law, and other constitutional rights of petitioner were severely violated at the court hearings of Texas Judge Antonio Zardenetta—111th Judicial District Court for Webb County, Texas—with Cause No. 31,320 on dates of 4-6-79 and 10-24-79, as specific dates of grave and inhuman violation of petitioner rights.

As the Constitutional Rights of petitioner were violated over and over again, and the punishment increasing into inhuman terror and torture, under the orders of the presiding Texas judge and opposing lawyers—then petitioner went before the United States Court of Claims in Cause No. 8-80 C with a Dispositive Motion (Rule 52a), and then a Counter-Motion requesting a motion for a Stipulation of Facts (Rule 134b)—but such was dismissed as having no jurisdiction upon the violations of the Constitutional Rights of petitioner.

Because the Supreme Court of the United States is the protector of the United States Constitution, and the court of last resort—then petitioner believes to be in the right jurisdiction.

Petitioner feels that she will not get a fair trial in the Texas higher courts because—

1. A Texas judge is involved in the violations of the Constitutional Rights of petitioner.

2. Texas state officials seem to be involved (state oil and gas agency—RRC) in the gas-well confiscation[2] and expropriation that is directly tied to Cause No. 31,320,

2. See Addenda II, Sec. B, p. 6a.

where Texas Judge Zardenetta of the 111th Judicial District Court for Webb County, Texas, gravely violated the Constitutional Rights of petitioner.

3. The due process violations by the Texas judge and opposing lawyers were covered up with so-called Texas rules—but the grave violations against the Constitutional Rights of petitioner culminated in severe and inhuman punishment—mental, physical, and the forced deprivation of property, while being intimidated into accepting a one-sided verdict based on perjury, fraud, and obstruction of justice within the confines of a court in a nation of justice.

4. Assistant Attorney for the U. S. District Court at Laredo, Texas ignored a motion from petitioner for a grand jury investigation of Judge Zardenetta and opposing lawyer Morris Reese.

5. The U. S. Court of Claims,[3] in Cause No. 8-80 C, identified as *Maria Graciela Ramirez* v. *The United States*—chose Civil Rights Division (Justice Dept.) as defendant for the United States, thus bringing about a direct conflict of interest, because Justice Department is in charge of Justice, and petitioner was seeking justice. How can The United States of America, who guarantees, in the Constitution, justice to its citizens, be precisely the one fighting against a citizen seeking justice? Petitioner had already petitioned several times for help to Civil Rights (Justice Dept.)—but was denied help over and over again—so Civil Rights Division (Justice Dept.) should have advised the presiding Judge of the U. S. Court of Claims that such Justice Department Civil Rights division had already de-

3. See Addenda I, Sec. A, p. 1a.

nied help countless of times to petitioner, and had no intention of providing a fair decision for petitioner at such U. S. Court of Claims. Petitioner before the U. S. Court of Claims, ended up with the same unfair and cruel calibre of justice that the state court had offered—which means that petitioner has not found a court of equal justice and fair trial up to this point.

Petitioner pleads to The United States Supreme Court for an equal balance of Justice in a presentation of pertinent facts to include court records, and other relevant material.

Petitioner is a native citizen of The United States of America, born at Laredo, Texas, on February 17, 1923. The race of petitioner is Spanish (Hispanic), and the nationality is U. S. American.

Because petitioner has been unable to acquire the services of a trusted and capable lawyer who would want to represent her on the violations of her Constitutional Rights —then petitioner comes before the Court as appellant *Pro se.* Petitioner is a qualified teacher, professional librarian, and historical researcher.

Petitioner prays to the Court for a last opportunity to come before a Court of Justice within the U.S.A. nation, and in an equal balance of Justice, present to the Court her redress.

Petitioner believes that she is entitled to a redress and a fair hearing before the highest court of the land, before all hope of Justice is given up.

Hearings Involved

The 111th Judicial District Court[4] for Webb County, Texas, at Laredo, Texas, with Cause No. 31,320 of dates 4-6-79 and 10-24-79 with grave and severe violations upon the Constitutional Rights of Petitioner. There were other court-ordered hearings of 3-19-79, of 3-22-79, and of 4-2-79. Some of such court hearings are very distorted and deleted, especially that of 4-6-79.

U. S. District Court (Southern District) at Laredo, Texas, suppressed the petition for a grand jury investigation of the Constitutional Rights violations upon petitioner which was submitted with date of September 4, 1979. No written answer was ever given for the suppressing of such petition.

U. S. Court of Claims with Cause No. 8-80 C dismissed the Motion (Dispositive Motion, Rule 52a), and the Counter-Motion (Stipulation of Facts, Rule 134b) of petitioner on May 16, 1980—with a vague, incoherent, faded and brief dismissal document, barely readable.

Constitutional and Statutory Provisions Involved

When the basic Rights of Justice are silenced with acts of terror and torture within the courts of a democracy—then the courts of the nation have forfeited the democratic doctrines of Justice and humanity, in favor of doctrines of infamy practiced by dictator nations.

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4. See Addenda I, Sec. B, p. 2a.

4th Amendment—Right to be secure in their person—against *unreasonable searches and seizures—no warrants shall issue, but upon probable cause—.*

5th Amendment—No person shall be *deprived of* life, *liberty,* or *property, without due process of law.*

8th Amendment—Excessive bail shall not be required, *nor excessive fines imposed, nor cruel and unusual punishment inflicted.*

9th Amendment—The enumeration in the Constitution, of *certain rights,* shall not be construed to deny or disparage others retained by the people.

14th Amendment—Nor shall *any state deprive any person of* life, *liberty, or property without due process of law; nor deny* to any person within its jurisdiction the *equal protection of the law.*

U. S. Code, Title 28, Section 1254—Cases in the Courts of Appeal may be reviewed by the Supreme Court (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

Statement of the Facts

In the violation of the 4th Amendment—petitioner was seized by guards, without a warrant for her arrest, inside the courtroom, by orders of the presiding judge and opposing lawyers. In the court hall, petitioner was inhumanly attacked, terrorized, dragged and pushed to jail, where more terror and mental and physical torture was applied—

where by force, petitioner was finger-printed, and forced inside a dungeon not fit for animals.

In the violation of the 5th Amendment, petitioner was denied, over and over again, her Constitutional Right of due process of law, as her property was taken away from her by silencing her defense under intimidation of severe punishment. The presiding judge brought in the verdict with only one side testimony, and based on a document of perjury containing severe defamation against petitioner. Petitioner could not defend her property, nor break open such defamatory false accusations, because there was no due process nor justice for petitioner.

In the violation of the 8th Amendment—petitioner was ordered to pay excessive and unfair fines, and was subjected to cruel and inhuman punishment when she refused to give up her property without her right to defend it, and when she refused to accept one-sided testimony and perjury in the courts of the U.S.A. nation. The infamy of the punishment was covered-up in a so-called contempt of court citation.[5]

In the violation of the 9th Amendment—petitioner who retains certain rights, as those indicated as Human Rights —was denied such human rights by the Texas presiding judge, who ordered inhuman punishment for petitioner, and turned a court of justice into tribunals of fear and terror. The capture of petitioner in the courtroom on October 24, 1979—the quick-moving terror and torture procedures, all indicated a pre-arranged decision by the judge and opposing lawyers to inflict physical and mental

5. See Addenda II, Sec. B, p. 9a.

punishment to petitioner, so that her desperate cries for mercy would serve to declare her as mentally unbalanced—or would serve to implant a severe fear upon her, so that she would no longer dare plead for her rights—and thus silence petitioner forever. Such inhuman and cruel techniques of fear, terror, and torture, were the basis of inhuman infamy used in the Nazi concentration camps, and still used in dictator nations of inhumanity.

In the violation of the 14th Amendment—petitioner was deprived of her liberty and of her property, as her defense was silenced[6] under intimidation from the presiding judge and opposing lawyers. The state of Texas within its court severely deprived petitioner of her Constitutional Right of due process of law, thus taking away her liberty and property by force and severe punishment, and legalizing a one-sided perjury testimony as justice. Equal protection of the law was totally denied to petitioner, and petitioner was in great fear of law officials who administered the cruel and inhuman punishment. The presiding judge not only denied equal protection of the law to petitioner, but he and the opposing lawyers were the leading participants in ordering severe and inhuman punishment on petitioner, because as petitioner offered to pay the so-called "contempt fine", the inhuman punishment continued all day. Petitioner was denied the guarantee of a fair trial by the Texas judge, over and over again, with the constant intimidation by the judge and opposing attorney, of severe punishment if petitioner should insist on her rights to a fair trial.

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6. See Addenda II, Sec. B, p. 8a.

In reference to Section 1254, Title 28, U. S. Code—petitioner finds that the grave violations of her Constitutional Rights involves both civil and criminal actions when her Constitutional Rights were denied under inhuman duress.

Reasons for Granting the Writ

The ramifications arising from the violations of the Constitutional Rights of petitioner—and the undemocratic court procedures practiced within a Texas court, are the following—

1. Petitioner without her Constitutional Rights is defenseless against any attack on her life, liberty, or property —and is defenseless within any Texas court or Texas law agency. Petitioner has already had two attempts on her life, inhumanly attacked and kidnapped, grave violations upon her property, and continually harassed and in fear—yet the law enforcement agencies have refused help.

2. Petitioner cannot plead for her rights before any Texas court, while under fear of being inhumanly punished.

3. In Texas court—due process of law can be eliminated on orders of the judge or lawyers.

4. In Texas court it is now verified that it is a crime (and punishable as a crime) for women to plead for their Constitutional Rights.

5. In Texas court a woman asking for her rights and a fair trial, will be cited with a contempt of court action and jail confinement.

6. In Texas, the property of a woman can be confiscated with just the approval of the presiding judge.

7. In Texas, perjury and fraud can be legalized by the presiding judge—and a one-sided testimony is identified as justice.

8. In Texas, presiding judges can publicly issue defamatory accusations against the defenseless defendant, who is denied the right to a defense.

9. With the one-sided perjury testimony as the final verdict in Cause No. 31,320 of April 6, 1979, at the 111th Judicial District Court for Webb County, Texas—Texas now has the power over Federal Energy Agency—to confiscate and exploit the gas-wells and land of chosen victims.

10. Taking away the Constitutional Rights of petitioner, Maria Graciela Ramirez, constitutes taking away her liberty and security of justice—and taking away the Guaranteed Constitutional Rights of any citizen by terror and torture, constitutes the End of Justice in the courts of the land of a democracy.

Conclusion

The petition should be granted—because the United States Supreme Court is the last hope for a hearing of justice, for petitioner Maria Graciela Ramirez. In a nation that preaches Justice to the world, the road seeking Justice for petitioner has been a long one.

Respectfully submitted,

/s/ Maria Graciela Ramirez

Maria Graciela Ramirez
Petitioner, *Pro se*
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(512/723-6925)

ADDENDA

ADDENDA I

Courts

Section A—Federal Court Involved

UNITED STATES COURT OF CLAIMS

Cause No. 8-80 C

MARIA GRACIELA RAMIREZ,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Presiding Judge: OSCAR H. DAVIS

Assistant Judges: KASHIWA and BENNETT

Plaintiff Counsel:

MARIA GRACIELA RAMIREZ, *Pro se*

Defendant Counsel:

KENNETH R. MELVIN, Attorney under Assistant Attorney General, Alice Daniel for Civil Rights Division, Justice Department

Motions:

Plaintiff—*Petition for Dispositive Motion* (Rule 52a). Filed January 4, 1980

Defendant—*Defendant's Motion to Dismiss.* Filed March 4, 1980

Plaintiff—*Plaintiff's Counter-Motion to Revoke Defendant's Dismissal Motion* (Rule 134b). Filed March 27, 1980

Court—*Decision to Dismiss*—in favor of defendant. Filed May 16, 1980

Addenda I

Section B—Texas Court Involved

THE 111TH JUDICIAL DISTRICT COURT

FOR WEBB COUNTY, TEXAS
at Laredo, Texas

Cause No. 31,320

GOOD HOPE REFINERIES, INC., and
ENSEARCH EXPLORATION, INC.,

Plaintiffs,

v.

MARIA GRACIELA RAMIREZ and
MARIA IRENE RAMIREZ,[1]

Defendants.

Presiding Judge: ANTONIO A. ZARDENETTA

Plaintiff Counsel:
MORRIS M. REESE, JR.
ANTONIO ALVARADO
RICARDO D. PALACIOS
ELMA T. SALINAS
(All attorneys above with address of
1800 Victoria St., Laredo, Texas 78040.
Telephone: (512) 723-2986
Simon Philp III (Houston, Texas)

Defendant Counsel:
MARIA GRACIELA RAMIREZ, Pro se

Defendant Counsel for Maria Irene Ramirez:
FRANCISCO SALDANA, JR.
1016 Flores
Laredo, Texas 78040
Telephone: (512) 723-5575

1. Later was dismissed.

Addenda I

Related Information:
President, Good Hope Refineries, Inc.
John R. Stanley
622 State St.
Springfield, Mass.

Section C—Court Records and Relevant Material

February 6, 1979—Summons papers served to Maria Graciela Ramirez for *Hearing for Temporary Injunction.*

March 15, 1979—Summons to appear for deposition at opposing (plaintiff) lawyers office.

March 19, 1979—Hearing before Judge Zardenetta identified as *Motion to Subpoena to Take Deposition.* Maria Graciela Ramirez submitted written reasons for objecting to deposition—but such reasons were ignored by the judge.

March 20, 1979—Summons to appear for deposition hearing at opposing lawyers office.

March 22, 1979—Deposition hearing at opposing lawyers office. Maria Graciela Ramirez refused to answer—because to answer would mean to accept perjury documents already accepted by the court.

March 26, 1979—Summons to appear before Judge Zardenetta.

April 2, 1979—Court appearance before Judge Zardenetta identified as *Motion for Hearing to Compel Maria Graciela Ramirez to Appear and to Answer Questions During the Deposition or in the Alternative for Sanctions.* Maria Graciela Ramirez was again silenced at such hearing, and again was threatened with severe punishment. It is believed by Maria Graciela Ramirez that the court transcript for such hearing was distorted with so many strike-it-of-the-record by the

judge—but it has been impossible to acquire such hearing transcript, because the translator doesn't seem to want to let it go.

April 6, 1979—Hearing in the private chambers of Judge Zardenetta, identified as *Plaintiffs' Motion to Set Hearing for Temporary Injunction.* At such hearing, Maria Graciela Ramirez was totally denied her right to due process, and was intimidated with severe punishment. The verdict came in one-sided based on the document of perjury presented by the opposing testimony. Such court transcript of Cause No. 31,320 was erroneously identified as 31,176.

October 3, 1979—Summons to appear in court for contempt hearing.

October 24, 1979—Hearing before Judge Zardenetta identified as *Motion for Contempt.* Maria Graciela Ramirez stood mute before the judge, in great fear.

October 24, 1979—Order by Judge Zardenetta, granting the temporary injunction to plaintiffs' Good Hope Refineries, Inc., and Ensearch Exploration, Inc.—and thus legalizing perjury and fraud by Texas court, and abolishing due process of law in the confines of the courts of justice in the United States of America.

October 24, 1979—Order by Judge Zardenetta, and opposing lawyers for *Commitment to Punishment* upon petitioner Maria Graciela Ramirez. The inhuman ordeal began in the immediate courtroom where she was captured by guards. In the court hall, Maria Graciela Ramirez was dragged, kicked, and accused of being a mental patient. By force, Maria Graciela Ramirez was taken to the jail, where more terror and torture was administered—where she was fingerprinted, investigated like a criminal, and forced into a damp, semidark dungeon. Such inhuman punishment should teach a lesson to Maria Graciela Ramirez not to expect justice or Constitutional Rights from the courts of Texas.

ADDENDA II

Background Information

Section A—Contract on Mineral Lease

On October 10, 1973, Maria Graciela Ramirez, petitioner, signed a mineral lease contract with mineral lease agent, James Mayo (now deceased), of Laredo, Texas—for the mineral lease of 517.02 mineral acres located in Webb County, Texas. Such mineral lease contract was for five years—to expire on October 10, 1978. The contract was sold to two producing companies, and then to Good Hope Refineries, Inc. of Massachusetts. The annual mineral rent was for $1,034 payable every September.

On May 1978, drilling started on the mineral lease of petitioner, Maria Graciela Ramirez. Such drilling unit was identified as the MGR—with Texas oil and gas permit dated as of April 24, 1978 with its identification as of name, date, depth, mineral acres, unit acres, location, etc. At approximately the same time, there were two nearby gas-wells being drilled by the same producer company—and such gas-wells had about the same unit acres assigned to them as the MGR. The nearby Alexander gas-well came in first —the MGR came in second—and the nearby Parker gas-well came in third.

By August 1978, the MGR was ready for a hook-up and production. The Good Hope Refineries official refused to hook-up the MGR to the nearby gathering gas-line—the Delhi Pipeline. There was no reason to shut-in such a good gas-well producer. Petitioner, Maria Graciela Ramirez asked the Good Hope Refineries officials what was the rea-

son for the delay in starting production of the MGR gas-well—but the question was evaded or vaguely answered.

The MGR gas-well was to identify as a wildcat with 40 unit acres or as a field (Laredo Lobo) with 160 unit acres. As it turned out on completion—the MGR gas-well had hit a new field, so would identify as a new field with 160 unit acres. The other nearby gas-wells of Alexander and Parker also identified as 160 unit acres.

The sister of petitioner also had a mineral lease contract with Good Hope Refineries, Inc., which also would expire on the same date as the mineral lease contract of petitioner. The MGR gas-well is approximately one mile from the fenceline of petitioner's sister property.

Pooling was in the mineral contract—but pooling is done when the unit acres are not enough for a wildcat or a field, or the drilling unit includes mineral deposit of adjoining properties. The MGR had no reason to "pool" with any other property—and when the MGR gas-well original state permit was totally changed in cover-up maneuvers of deceit so as to confiscate and exploit the MGR gas-well, then the mineral lease contract became void, and petitioner became the sole owner of the authentic MGR gas-well.

Section B—Confiscation of MGR Gas-Well

On September 1978, petitioner, Maria Graciela Ramirez and her sister, both received, at their Laredo bank, a so-called "shut-in" gas-well payments. The so-called shut-in gas-well payments were so vague, as to make such payments very misleading, which indicated the first signs of fraud upon the mineral contract, and of confiscation of the

MGR gas-well. Petitioner and her sister ordered the Laredo, Texas bank to return such misleading payments.

Upon further investigation, petitioner, Maria Graciela Ramirez uncovered that at the beginning of August 1978, the MGR gas-well had been secretly captured by Good Hope Refineries, Inc., and their silent partner Ensearch Exploration, Inc.—and along with the help of someone at Texas oil and gas agency—such MGR gas-well had been confiscated for exploitation of all the mineral acres of petitioner—and also the MGR gas-well had been "pooled" one mile, so as to capture and hold the expiring mineral contract of petitioner's sister.

To perpetuate the fraud upon the mineral lease contracts and the capture of the MGR gas-well for confiscation by the Good Hope and Ensearch producer companies—the original Texas state permit of the authentic MGR gas-well of April 24, 1978 was secretly voided by the Good Hope and Ensearch officials with the help of the Texas oil and gas agency. From the confiscation of the authentic MGR gas-well, there emerged the imposter M & M Ramirez Gas Unit of Good Hope and Ensearch companies, indicating a total difference in identity with a different name as of M & M Ramirez Gas Unit—different date of permit now indicating September 12, 1978—different number of lease acres as of 704, and showing a tremendous change in unit acres from 160 unit acres to 704 unit acres, indicating outright confiscation.

From September 1978 to December 1978, petitioner Maria Graciela Ramirez, petitioned to the officials of Good Hope Refineries to return the MGR gas-well to its authentic state permit of April 24, 1978, but on their refusal to accept

the fair laws of a contract—then petitioner, Maria Graciela Ramirez, registered the authentic MGR gas-well at the Webb County Court House, as her sole property.

When petitioner, Maria Graciela Ramirez, refused to accept the confiscation and fraud upon the MGR gas-well, then Good Hope and Ensearch companies filed charges for a court hearing at the local Texas 111th Judicial District Court for Webb County, Texas, although the correct court jurisdiction should have been federal court.

The court hearing of April 6, 1979 that followed at the 111th Judicial Court for Webb County, Texas, was totally void of any democratic doctrines of justice or fair trial. All the hearigs at such court, that petitioner was ordered to appear, were void of fair trial. At the court hearing of April 6, 1979, Good Hope Refineries, Inc., and Ensearch Exploration, Inc., presented as their testimony a document of high perjury, which concealed more than half of the evidence, and contained highly defamatory accusations against petitioner, Maria Graciela Ramirez.

The presiding judge, Antonio Zardenetta, along with the opposing attorneys, refused to let petitioner, Maria Graciela Ramirez, present her defense, time and time again. Due process was totally eliminated, and the verdict was brought in one-sided based on a document of perjury, and with the defense of petitioner, Maria Graciela Ramirez, silenced under intimidation of severe punishment. The court recording of such hearing is very distorted and deleted as petitioner tried to present her defense, and the judge kept ordering—"strike it off the record."

Addenda II

When petitioner, Maria Graciela Ramirez, refused to give up her property without a democratic-type hearing, and insisted on her rights to due process—then the presiding judge, along with the opposing lawyers, ordered her back to court, on October 24, 1979, on a so-called contempt-of-court hearing. The property of petitioner was taken away from her—and to silence her cries for her rights once and for all—petitioner was dragged from the courtroom, inhumanly terrorized and tortured, and forced into a dungeon. When petitioner, Maria Graciela Ramirez, was being terrorized and tortured, she kept crying out—No God, no God, not in this nation—not in my U.S.A. nation—this cannot happen in my nation, God. But it did happen in the U.S.A. nation, and the memory of terror and torture will always live in the mind of petitioner—and the fear of having to live without liberty and justice will only be amended when petitioner finds a court of justice with due process and a fair trial.

Maria Graciela Ramirez
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IN THE

UNITED STATES COURT OF CLAIMS

Jurisdiction: suit against United States for alleged constitutional violations by a judge of a state court

No. 8-80C

MARIA GRACIELA RAMIREZ

v.

THE UNITED STATES

Maria Graciela Ramirez, pro se.

Kenneth R. Melvin, with whom was Assistant Attorney General Alice Daniel, for defendant.

Before DAVIS, *Judge*, Presiding, KASHIWA and BENNETT, *Judges*.

ORDER

This *pro se* plaintiff raises a claim under the United States Constitution seeking money damages for an alleged deprivation of her rights by a Texas state judge in the course of an unspecified legal proceeding. The Government has filed a motion to dismiss on the ground that the petition fails to state a claim within the jurisdiction of this court. We conclude that we lack jurisdiction over plaintiff's claim and therefore grant defendant's motion.

The facts alleged by the plaintiff are quite sketchy, but it is clear that her monetary claim rests on the theory that a state court judge has violated her Constitutional rights. Assuming this to be true, plaintiff is suing the wrong party. She has pointed to nothing in either a statute or the Constitution mandating that the United States pay monetary damages for violation of the Constitution by state officials. She may have a claim against the state or against the particular state officials, but our jurisdiction under the Tucker Act, 28 U.S.C. §1491 (1976), does not extend to such claims. *See Vlhakis* v. *United States,* 215 Ct. Cl. 1018 (1978).

Accordingly, It Is Ordered, upon consideration of the submissions of the parties, but without oral argument, that the Government's motion to dismiss the petition is granted and the petition is dismissed.

By the Court

Oscar H. Davis
Judge, Presiding

May 16 1980